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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,078	06/19/2002	Paul R. Berger	29610/CDT091	6350

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James P Zeller  
Marshall Gerstein & Borun  
233 South Wacker Drive  
6300 Sears Tower  
Chicago, IL 60606-6357

EXAMINER
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VINH, LAN

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/009,078

Applicant(s)

BERGER ET AL.

Examiner

Lan Vinh

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2002.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 12-26 is/are allowed.  
6) ☒ Claim(s) 1-11, 27 and 28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 10009078.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/23/2004 6/17/04  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-11, 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishikawa et al (US 6,063,527).

Nishikawa discloses a method for making color filter. The method comprises the steps of:

providing a layer 29 having concavities/holed layer on the surface of the substrate 23 (fig. 4), the layer 29/holed layer is attached permanently to the substrate (fig. 3E), the layer 29 having concavities/plurality of holes exposing the substrate 23 (fig. 3E)

filling the concavities by displacing ink across the surface of the layer 29 to deposit ink only in the concavities/holes of layer 29 (col 11, lines 24-26, fig. 4), which reads on applying a light-emissive material to the surface of the holed layer opposite the substrate and displacing the light-emissive material in fluid form across the surface of the holed layer so as to selectively deposit the material only in the holes of the holed layer

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Regarding claims 2-3, 8, Nishikawa discloses the step of bringing polymer layer 15 and pattern layer 14 together to form holed layer 13 (col 9, lines 1-5, 60-62), which reads on laminating a polymer layer with pre-formed holes to the surface of the substrate to provide the holed layer

Regarding claims 4, 6, 27, Nishikawa discloses the step of dry etching/plasma etching the substrate 23 (resin/polymer) to form the holed layer (col 10, lines 9-11, lines 46-48)

Regarding claim 7, Nishikawa discloses the step of spreading/coating the surface of the substrate with resin/polymer (col 9, lines 52-53)

Regarding claims 9-10, Nishikawa discloses that the holed layer can be resin/polymer or glass/electrical insulating material (col 10, lines 4-11)

Regarding claim 11, Nishikawa discloses that the holed layer 132 having a thickness of 500-1000 angstroms/50-100 nm (col 22, lines 30-32)

Regarding claim 28, Nishikawa discloses forming a liquid crystal panel (col 16, lines 42-43), which reads on an optoelectronic device

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al (US 6,063,523) in view of Huang et al (US 6,159,779)

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Nishikawa method has been described above. Unlike the instant claimed invention as per claim 5, Nishikawa fails to disclose etching the holed layer/polymer layer by oxygen-based plasma

Huang discloses a method for fabricating thin film transistor comprises the step of plasma etching the organic polymeric layer by oxygen-based plasma (col 6, lines 55-57)

Hence, one skilled in the art would have found it obvious to modify Huang's etching step by plasma etching the organic polymeric layer by oxygen-based plasma as per Huang because according to Huang plasma etching polymeric material utilizing oxygen-based plasma planarizes the insulative polymeric material (col 4, lines 55-57)

***Allowable Subject Matter***

5. Claims 12-26 allowed.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Vinh whose telephone number is 571 272 1471.

The examiner can normally be reached on M-F 8:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571 272 1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LV  
June 24, 2004